

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.610 OF 2006

In

WRIT PETITION NO.7383 OF 2004

Prashant N. Joshi : Petitioner

V/s.

Bhushan Steels Ltd. & Ors. : Respondents

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Mr.D.S.Sawant with L.N.Bedekar for the
applicant/respondent No.1.

Mr.A. Jakhade for the petitioner.

Mr.Prashant Chavan i/b. M/s.Little & Co., for respondent
Nos.5 to 7.

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CORAM : H.L.GOKHALE & SMT.R.S.DALVI, JJ.

DATE : MARCH 13, 2006.

P.C.

1. Heard Mr.Sawant in support of this Civil Application which is filed by respondent Nos.1 to 4 to the main petition. Mr.Prashant Chavan appears for respondent Nos.5 to 7. Original respondent No.8 is not necessary to be served.

2. This Civil Application seeks review or recall of the order passed by us on 12.7.2005 in Writ Petition No.7383 of 2004. That petition was filed by the original petitioner seeking, amongst others, a direction to respondent Nos.5 to 7 to remove the high tension wires which they have set up on the land of the original petitioner. That was prayer clause (c) of the main petition.

3. To the present Civil Application, an affidavit of the original petitioner, Prashant N. Joshi, has been annexed as exh.III. In this affidavit, it is stated that the concerned parcel of land has been sold to M/s.Bhushan Steels Ltd., the applicant-company. Mr.Sawant states that that being the position, the disputed parcel of land is no longer owned by the original petitioner but is owned by M/s.Bhushan Steels Ltd. This being the position, he submits that there is no need to remove the high tension wires which were to be removed under the order passed on 12.7.2005.

4. Mr.Jakhade is present for the original petitioner. He accepts that such a development has taken place and confirms that the original petitioner has made an affidavit which is annexed to the Civil Application. Mr.Jakhade has tendered a photocopy of the Sale Deed.

5. In view of this development, there is no need to retain the order passed on 12.7.2005. That order is recalled. In view of the statement made by Mr.Jakhade, the main petition itself has been worked out and the same stands disposed of. The applicants (original respondent Nos.1 to 4) are relieved of the undertaking given by them as recorded in the order dated 12.7.2005.

6. The Civil Application stands disposed of.

H.L. GOKHALE, J.

SMT.R.S.DALVI, J.